

U.S. Department of Homeland Security
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FINDING OF NO SIGNIFICANT IMPACT
NEODESHA SWIMMING POOL
NEODESHA, WILSON COUNTY, KANSAS
FEMA-1711-DR-KS
June 15, 2009

BACKGROUND

The Federal Emergency Management Agency (FEMA) is working with partners at the local and state levels and with other federal agencies to coordinate the response to a flood event that struck Neodesha, Wilson County, Kansas, between June 30 and July 2, 2007. The flooding damaged the Neodesha public swimming pool.

FEMA was authorized under a Presidential disaster declaration (FEMA-1711-DR-KS) to provide Federal disaster assistance to Neodesha, Wilson County, Kansas, as a result of damages incurred between June 30 and July 2, 2007 under Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121-5206, as amended (Stafford Act, Public Law 93-288).

The National Environmental Policy Act (NEPA) requires that Federal agencies evaluate the environmental effects of their proposed and alternative actions before deciding to fund an action. The President's Council on Environmental Quality (CEQ) has developed a series of regulations for implementing NEPA. These regulations are included in Title 40 of the Code of Federal Regulations (CFR), Parts 1500–1508. They require the preparation of an Environmental Assessment (EA) that includes an evaluation of alternative means of addressing the problem and a discussion of the potential environmental impacts of a proposed Federal action. An EA provides the evidence and analysis to determine whether the proposed Federal action will have a significant adverse effect on the human environment. An EA, related to a FEMA program, must be prepared according to the requirements of the Stafford Act and 44 CFR, Part 10. This section of the Federal Code requires that FEMA take environmental considerations into account when authorizing funding or approving actions. This EA was conducted in accordance with both CEQ and FEMA regulations for the NEPA to serve as a vehicle to document compliance with applicable state and Federal laws and regulations, and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The purpose of the proposed action is to replace the damaged swimming pool with a new facility so that the City of Neodesha can provide a new swimming pool for the community. The new Neodesha swimming pool would be a 170,000 gallon pool that would be located on a 1.4 acre tract in north

Neodesha. This site was chosen because it was the only available tract outside of the 100-year floodplain, with no groundwater contamination present, large enough to accommodate the proposed project, and within the Neodesha city limits. The proposed project would include the pool itself, men and women's dressing rooms and restrooms, a waterslide, an interactive play feature, and a drop off area. The construction of the new facility would consist of site preparation (grading and/or excavation) and construction of the pool, buildings, and paved areas.

The EA was evaluated for any potential significant impacts to air quality, biological resources, cultural resources, geology, noise, public health and safety, socioeconomic, traffic, and water quality. It was also evaluated for disproportionately high and adverse effects on minority or low income populations.

The public was invited to comment on the proposed action and the Draft Environmental Assessment. A legal notice was posted in the *Neodesha Derrick* on May 14, 2009, and on FEMA's website (<http://www.fema.gov/plan/ehp/envdocuments/index.shtm>). Additionally, the Draft Environmental Assessment was made available for review for a period of 30 days at the Neodesha Rankin Library.

CONDITIONS

The following conditions are to mitigate this projects potential adverse impact. The Applicant/Sub-applicant must meet these conditions as part of the project. Failure to comply with these conditions may jeopardize Federal funds:

1. A construction stormwater general permit from the Kansas Department of Health and Environment is required. The primary requirement of the general permit is for the contractor or permittee to develop and implement a Stormwater Pollution Prevention Plan.
2. If cultural resources (particularly human remains) are unexpectedly discovered during construction, activities would cease in the immediate area and the Kansas State Historic Preservation Officer and the FEMA Regional Environmental Officer would be notified before work would continue.
3. If hazardous constituents are unexpectedly encountered during construction, all construction activities will cease and FEMA will be contacted regarding the future eligibility of this project. The contractor will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area.

FINDING

FEMA makes the following determinations from the information contained in the EA for the construction of the Neodesha Swimming Pool:

The proposed project as described in the EA will not result in any significant adverse impacts to geology and soils (prime farmland) water resources (surface water, groundwater, waters of the United States, wetlands, and floodplains), biological resources (vegetation, fish and wildlife, state and Federally-listed threatened or endangered species and critical habitats), cultural resources, hazardous materials, noise, air quality, public health and safety, traffic circulation, or result in disproportionately high or adverse effects on minority or low-income populations. The proposed project has been reviewed and, to the best of our knowledge, does not have the potential for

significant cumulative effects when combined with past, present, and reasonably foreseeable future actions in accordance with 44 CFR Part 10.8 (d)(3)(x). The proposed project is also in compliance with all relevant Federal, state and local laws, including Executive Orders (EO) 11988 (Floodplain Management), EO 11990 (Protection of Wetlands), and EO 12898 (Environmental Justice).

Based on the findings of the EA, coordination with the appropriate agencies, comments from the public, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the proposed project qualifies as a major Federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10.9) and the proposed project as described in the attached EA may proceed.

A handwritten signature in purple ink, appearing to read 'Kenneth Sessa', with a long horizontal line extending to the right.

6/16/2009

Kenneth Sessa
Regional Environmental Officer
Federal Emergency Management Agency, Region VII